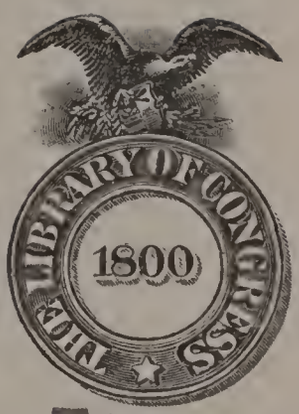

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THE

REFORM CONSPIRACY:

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A LETTER

ADDRESSED

TO BRADLEY T. JOHNSON, ESQ., OF FREDERICK,

By E. W. BELT, Esq.

"It were good, therefore, that men, in their innovations, would follow the example of Time itself, which indeed innovateth greatly, but *quietly*, and by degrees scarce to be perceived. . . . .

"It is good also not to try experiments in States, except the necessity be urgent, or the utility evident; and well to beware that it be the reformation that draweth on the change, and not the desire of change that pretendeth the reformation."—Bacon.

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THE REFORM CONSPIRACY.

Upper Marlborough, Md.
May 1st, 1858.

Bradley T. Johnson, Esq.

Sir,—I have the honor to acknowledge the receipt of your recent favor, in which, on behalf of yourself and others who oppose the present "Reform Conspiracy" movement in this State, you request a publication of the remarks made by me in the House of Delegates of Maryland, on the 2d day of March last, in opposition to the bill then pending, directing the sense of the people to be taken upon the expediency of calling a convention to reform the existing constitution; and I am under obligation for the compliment conveyed in the expression you give of the belief of yourself and others, that such publication would, in some degree, serve to bring properly before the people the illegal character of the movement at this time, and its very questionable propriety even as a matter of policy. It is rendered impossible for me to comply with your request, for the reasons that I did not preserve any record of the remarks you refer to, and that I have neither such memoranda, nor so perfect a recollection of them, as would justify their publication at this time in the form suggested.

The measure was very warmly and earnestly opposed in both houses, and called forth an expression of views from several gentlemen with whom I was associated, in the minority, that must have clearly demonstrated its unconstitutionality and impolicy, if its passage had not been preconcerted as a matter of party necessity by the majority, and enforced by the ordinary appliances of party discipline. The view which I had the honor to present was hardly more than an humbie auxiliary to the arguments of others to which I refer; but the examination of the question I was led to make confirmed in me so strong a conviction that we were justified in our course by the truth of the positions we assumed, that I have the less hesitation in complying with your alternative request, to set down the considerations of law and of policy

upon which we resisted the passage of the bill, and to note those inferences against its adoption by the people that may be fairly and properly drawn from the circumstances that attended its passage. This I will endeavor to do in as brief a space as may be—trusting to your forbearance for the incompleteness that must necessarily attend an attempt to develop so extensive a subject in this hurried manner, and relying more upon the inherent truth of the propositions to be advanced than upon the clearness or force of their exposition. And in order to the accomplishment of my purpose with any degree of satisfaction, it will be necessary to notice (1,) the illegality of the late Reform Bill, arising from the want of constitutional power in the Legislature to enact it; (2,) its entire impolicy at this time, owing to the absence of any public necessity or popular demand for its passage; (3,) the circumstances of its origin and enactment that are justly calculated to excite suspicion as to its purposes; and (4,) the real objects and designs which underlie the whole movement, and which have caused it to be thus suddenly thrust upon the people of the State.

I. According to our American theory, that fundamental capacity of power which is commonly termed Sovereignty is vested originally only in the people, and remains in them at all times; though the right of exercising some of its functions may be temporarily vested in their agents. We are accustomed to look to no other quarter for the source of rightful sovereign power than to the whole body of the people who compose the community; and in them rests rightfully every function, the exercise of which the term sovereignty implies. From them alone proceeds, primarily, the exercise by individuals or bodies of any such function, and to them alone, as to the source of power, can the rightful wielding of such function be referred for its just authority. "No man," says Mr. WEBSTER, "makes a question that the people are the source of all political power." And the same indisputable truth is recognized in equally strong terms by Chief Justice TANEY, in the great Rhode Island case, (7 *Howard*,) where he remarks that "no one has ever doubted the proposition that, according to the institutions of this country, the sovereignty in every State resides in the people of the State." It is, in fact, the first axiom of our constitutional law and political philosophy.

Sovereignty being thus in the people, and all political power being theirs of right, it follows of course that they have the undoubted power of establishing a government for their own welfare as a community. And it would seem

equally clear, if we preserve the idea of the *people*, as distinct from their agents, that the *former* have the power and the right, at any and all times, to alter, amend, change or abolish their form of government at their own pleasure. This, indeed, seems to be included in the power of forming government at all; and it is affirmed by the jurist just named, in the continuation of the sentence already partially quoted, when he adds the words, "and that they (*the people*) may alter and change their form of government at *their* own pleasure." It is obvious, further, from the very nature of this power of change, that it is one that must necessarily continue in the people at all times and under all circumstances; and that though it may be delegated, transferred or surrendered by them at times for their own convenience, they may at pleasure resume it for the execution of their own purposes. For it cannot be denied that, in the exercise of its high original powers, the will of the sovereignty is a law unto itself. It would hence also appear that the *people*, as such, always retain the right of making such changes by *their own motion*, notwithstanding the power of directing them may be transferred and themselves be limited by their own act; but it is necessary that, in asserting this doctrine, we should have in view exclusively the PEOPLE, as distinguished from the representatives of the people, and that we should not confuse the indefinable power of the one with the narrow privileges of the other. Keeping in view this distinction, it is safe to say that the people, at all times, may alter their form of government—provided the alteration be instituted, called for and carried out by the people, acting *as such*, in their sovereign capacity. What distinction, if any, exists between this ultimate and continuing power of the people and what is generally termed the "right of revolution," it may not be pertinent to inquire. The latter phrase may be a rough statement of the inalienable power of change that resides in the people. It is a doctrine admirably set forth, at great length and with much clearness, in the learned opinion of Mr. Justice WOODBURY in the case already cited; and, indeed, it may be remarked that the spirit of the decision in that case seems fully to justify the position taken, when it settles that the legality of a change of government, contrary to the forms of law, is a question *for the political power only*, and is to be determined in that forum. At any rate, this doctrine is now availed of by the friends of the pending reform movement in Maryland, to justify its *political rectitude*—singularly enough, indeed, considering that it is a principle they have all their lives been opposing

and denouncing. But so far from silencing the opponents of this reform business, as they seem to think it should do, it is a doctrine which we can admit to its fullest extent, and still insist upon the absolute illegality of the present movement. Indeed, the truth of this principle will, in a great degree, if proper distinctions be observed, serve to elucidate the untenable grounds on which the legality of that movement is based.

It has been made a question, whether the people can become limited in the exercise of their sovereign functions or rights; and the inquiry is connected with, though not strictly essential to, the present argument. Unquestionably, sovereignty can experience no restraint, *aliunde*—no external power can restrain its capacity. But can the sovereignty restrict itself—limit itself as to the mode in which it will exercise its powers, in such a manner as that the limitations shall become a law even unto the sovereignty? This point is often suggested as to the validity of those constitutional provisions, very frequent in our American law, by which changes are sought to be prevented for a certain prescribed period. In reference to which it may be made a question whether, in the very act of establishing government itself, the sovereignty does not limit itself by its own action? If sovereignty be a law unto itself, may it not prescribe the method of its own action? May not the sovereign power, in the exercise of its own free will, though uninfluenced by extraneous control, of its own motion impose upon itself any modes or limitations it may seefit, which shall control its movements? It might be added, indeed, that the power of self-limitation is implied in the idea of unlimited power. Certainly the power that can establish an organism hath ability to change the same—but should we not detract from the *fulness* of that power by saying it is not potent enough to prescribe the rules for its own action? Is not a denial of the power of self-limitation in derogation of the idea we have of the nature of sovereignty itself? Independently of the capacity of change, it is obviously true that *all* government is restrictive; that sovereignty necessarily becomes limited in the establishment of any form of rule. And as for the restriction on the right to change, is it any more restrictive than any other principle embodied in a government? The establishment of an executive—a judiciary—a legislature, to exist in certain forms and none other, do not appear to be essentially any less of the nature of limitations on sovereignty, than the establishment of a restrictive clause defining how long the government shall last and how it may

be changed. And it is certain that the mere *duration* prescribed, as the bounds of alteration, is no more a limitation than the *manner* laid down for effecting such change—a truth that appears to be lost sight of somewhat in the argumentation of our latter-day reformers.

But be this as it may. It may or may not be true, abstractly, that the people can limit themselves. If it be: then, in the light of the plain limitations contained in the present constitution, there is an end of the argument—for they undoubtedly have therein placed a restraint upon themselves as to the time and method of altering that instrument. In the Bill of Rights, Article 1, it is thus written:

"That all government of right originates from the people, is founded in compact only, and instituted solely for the good of the whole; *and they have, at all times*, ACCORDING TO THE MODE PRESCRIBED IN THIS CONSTITUTION, the inalienable right to alter, reform, or abolish their form of government *in such manner as they may deem expedient.*"

And the 43d article of the same is as follows:

"That this Constitution SHALL not be altered, changed or abolished *except in the manner therein prescribed and directed.*"

Which clauses are followed up in the Constitution itself by the prescription of a mode of change, that is laid down in Article XI.

If, we say, it be generally true that the people can limit themselves at all, or lay down to themselves any binding rule of action, then the above clauses at once establish the illegality of the present Reform movement. But as there seems to be no reason *a priori* why the people may *not* limit themselves if they see fit; and as it is clear that government itself is originally a limitation; as it is equally clear that this self-limitation is continually seen in our American polity; as it is apparent that the people meant and intended to bind themselves in this regard; and as it does not appear that the above restrictions are any more of the nature of limitations *than any other clauses in the Constitution*, it seems to follow at the very least that they are just as valid, and just as binding on the people, as any other clauses whatever. Certainly we may claim this: that these limitations on the power of change are legal and binding and of full force and virtue, *until they shall be nullified by the only power having the right to nullify them*, to wit, THE PEOPLE THEMSELVES. They have chosen to put these clauses in their organic law. We must suppose they designed them to have effect; and further that they remain satisfied with their operation, until they give evidence

of their discontent. It matters not whether these clauses in fact conclude the people or not, nor whether they take away the power to change. We have admitted above, to the fullest extent, the entire power of the people, even against their self-imposed law, to change the government in respect of its duration. They have the same power in respect of any other feature of the government—of the judiciary or legislature, for example, or rather the *clauses* establishing these departments. They are as absolutely unlimited in regard to one as the others of the many limitations which the Constitution contains. They may rise and alter them at any time. But it seems conclusively to follow that until they *shall, as the people, by their own motion*, exercise their rights in the premises, it is to be presumed that they wish to remain in obedience to the law which they have imposed upon themselves—and this as well in reference to the clause concerning amendments as any other clause in the Constitution. In other words, although each article of the Constitution is only binding on the people *at their own will*, still it can only be altered *by their will* and their own motion; although the people, as such, may at any time change any feature of their organic law, still it remains law until the people exercise the power. It certainly cannot be pretended that any mere agent of the people, any mere creature of the Constitution, *unless expressly authorized*, can, by *its* will, without any exhibition of the wishes of the *people*, undertake to do that the doing of which is the highest attribute of the people's sovereignty. These considerations appear to remove the apparent conflict between the enlarged power of the people that has been conceded, and the limitations which they have obviously placed upon themselves.

Now it is not contended that this present Reform movement is one purely *popular*. Its originators, in order to justify it, as has been before remarked, are driven, it is true, to an assertion of the power of the people above admitted. But it cannot be shown that the people have, in any manner whatever, indicated their wish or intention to exercise that power. The movement does not proceed from the people, is not conducted by them, and was not warranted by their authority. All that it depends upon, all that has set it in motion, is an Act of Assembly passed at the recent session of the Legislature. And this brings us at once to the considerations on which alone, in the present phase of the movement, its legality can be discussed; for we can only decide at this time upon the validity or invalidity of the movement, as we may determine whether or no it lay within

the Constitutional competency of the General Assembly to pass the bill referred to.

Granting then the power of the people, as before allowed, upon what grounds can it be maintained that the Legislature can take a step towards changing the Constitution? For it is certainly unquestionable that to whatever extent the limitations in the Bill of Rights heretofore quoted may bind the people, *they are perfectly valid to bind the agents of the people.* The legislature is a creature of the Constitution, and derives its powers from it, and is subject in all particulars to the limitations thrown around it in that instrument. In the first place then, before inquiring into the nature of these limitations, in a general way we may ask:—Who has authority, in the name of the sovereignty, to institute measures for the overthrow of the Constitution adopted by the sovereignty as its organic and supreme rule? Who can take the initiative in such movement? We are told the Legislature may—it being representative of the people. But has the will of the *sovereignty* ever been expressed through the Legislature, or can it be? Even taking it for granted, that a majority of the *people* constitute the sovereignty, may not a majority of the Legislature be of a different view from a popular majority, and so not represent it at all? Heavy majorities in some places for one party, slight majorities in many others against the same, &c., may and do often cause the popular majority to be quite the other way from the majority of those elected—as is sometimes the case in Presidential contests, (and almost always so in the election of a Congress,) where an electoral preponderance does not necessarily presuppose a popular majority. The Legislature is not, therefore, a representative of sovereignty, save under its own rule and in its own sphere, which sovereignty has beforehand prescribed for it. It has no power over the Constitution—and none under it save what is therein written for it to do. Its being *representative* of the people does not mend the matter—for it is only representative within its strict line of powers and duties—representative to do certain things laid down for it. In the same way, the Executive is representative. The Legislature is moreover the creature of the sovereignty, established through the constitution. So the Executive, Judiciary, Clerks, Attorneys, Justices of the Peace—all creatures of the Constitution; all representative of sovereignty to the end of doing certain things that are written for each respectively to do; and one not more free, not more representative, therefore, essentially, than the others. In which view, what right has the Legislature, a

creature of the constitution, to take measures for the irregular amendment or overthrow of the constitution, any more than the Executive has—the Judiciary—a State's Attorney—any more than a justice of the peace has—all being creatures of the constitution, and one not more essentially representative of *sovereignty* than the others? And why, for that matter, would not the edict of the Governor, calling a convention, be just as valid as an Act of Assembly to the same purport, in the absence of due authority? And, why may not a Justice of the Peace, "by this my proclamation," invite a convention to reform the Constitution of the State? For he too is representative of Sovereignty within his proper sphere—because sovereignty set him up to adjudge law-suits in matters not involving over $100, just as it set up the Legislature to pass acts of Assembly within certain restrictions. It set neither of them up, however, as we humbly apprehend, to overturn the Constitution that is the Law of the existence of them both, whereof each is the creature and, in a certain small way, the agent and representative.

And, we may add, wherein has the Legislature any more right to disregard that clause of the Constitution which refers to amendments, than those which establish itself, or the Judiciary? If an Act of Assembly can dispense with the limitations of the aforegoing clauses of the Bill of Rights and Article XI of the Constitution, why may not an Act of Assembly dispense with the particular provisions of any other article of the Constitution as well?

But, to return to a direct examination of the Legislative restrictions, let us inquire whether the Legislature is inhibited from the passage of such a bill as that under discussion. The power of the General Assembly extends to all rightful subjects of Legislation, except in the respects in which it is limited by the Constitution of which it is the creature. These limitations are very numerous, and relate to many subjects; but in respect of this particular inquiry, they are embodied in those sections of the Bill of Rights before mentioned, taken in connection with Article XI of the Constitution itself, which is entitled, "*Of Amendment to the Constitution*," and is in the following words:

"AMENDMENT OF THE CONSTITUTION.

"It shall be the duty of the Legislature, at its first session immediately succeeding the returns of every census of the United States, hereafter taken, to pass a law for ascertaining, at the next general election of Delegates, the sense of the people of Maryland in regard to calling a Convention for altering the Constitution; and in case the majority of

votes cast at said election shall be in favor of calling a convention, the Legislature shall provide for assembling such Convention, and electing Delegates thereto at the earliest convenient day; and the Delegates to the said Convention shall be elected by the several counties of the State and city of Baltimore, in proportion to their representation respectively in the Senate and House of Delegates, at the time when said Convention may be called."

We perceive, therefore, in the Bill of Rights, a retention of power to alter the constitution in the manner prescribed by it, and a solemn declaration of the will of the sovereignty that it shall be changed in no other way. We then look in the body of the constitution for the "MODE," thus referred to, and find it embodied in the aforesaid Article XI, which by its very title "Of Amendment," indicates that it, *taken as an entirety*, is that embodiment of the will of the people mentioned in the bill of rights as the "mode" of amendment. In this article power is given to the Legislature, at certain specified times, to initiate a reform movement in a particular manner. It has no other authority to do such a thing in any other part of the constitution. The very language of the Bill of Rights holds it strictly to the one "mode," the one method, the one plan of action, the one article "of amendment" thus laid down in the constitution. What plainer case can possibly be presented to show the utter illegality of the action of the late Legislature, than a simple statement of these clauses? Upon what grounds can it be justified in disregarding the restraints thus imposed, and in passing a reform convention bill in violation of the "mode" expressed in Article XI?

But what is thus, at the first blush, by honest interpretation, a clear infringement of the law, is attempted to be excused by saying, that the only object of these limitations was to necessitate the passage of this bill at least once in ten years; but that the Legislature is not estopped from submitting the question of reform at any other time: which would be an ingenious plan of relief if it did not happen to come in conflict with one of the plainest and most essential rules of interpretation. No axiom is better settled than this: EXPRESSIO UNIUS EST EXCLUSIO ALTERIUS—the expression of one thing in the exclusion of every other. And probably no principle is more necessary in the construction of every instrument. Indeed, it is universally applicable, and but for its truth, language itself would hardly be adequate to any certainty of expression. Its authority in the law is unquestioned, and it regulates interpretation in almost every instance. Its precise effect is that the nomination, in any instrument, of any person, method or time, by whom, in which,

or when any given thing is to be done, necessarily *proprio vigore* operates the exclusion of every other conceivable person, method and time. For how otherwise can certainty of intention be reached? The times, amounts of money, powers and persons, named in the ordinary writings between man and man in the everyday business concerns of life, would be named to little purpose if they did not operate exclusively. In fact, the truth of this position is much too patent to bear argumentation; and it is hardly necessary to observe with what strictness this maxim is always applied to constitutional law, in determining grants of *political* power. For although, outside of any limitation, a Legislature has plenary parliamentary power over all rightful subjects of legislation, it is equally true that where a particular line of action is marked out, or a certain thing directed to be done in a certain way, or a certain power directly and *expressly* conferred, such expression is and ought always to be strictly construed. So that if the constitution has laid down a *mode* for its own alteration, and that mode points out the passage of a bill by the Legislature once in ten years providing for a convention, then, according to well established principles of legal interpretation, it follows that the Legislature is estopped from passing such a bill at any other time.

But again: It is said that the *mode* to which the Bill of Rights refers is only the *machinery* of a *convention*, not the *time* of its being called. "You must reform by means of a *convention*, but need not be bound by the *time* prescribed." Now we have shown that the whole design of Article XI is to lay down this "mode" spoken of in the Bill of Rights. Its very title "Of Amendment" indicates that it was designed *to cover the whole subject of reform of the Constitution* and to prescribe the method in which it might be altered. It directs many separate duties: 1, the passage of an act; 2, the ordering of a convention; 3, once in ten years; 4, the submission of the question at the time of the general election; 5, a majority of votes required; 6, the legislature to provide for the assemblage of the convention, if called; 7, and for electing delegates to it; 8, the election of the delegates; 9, in what proportion the counties shall be represented; 10, the submission of the Constitution for ratification, &c., &c. Now of all these several directions contained in Article XI, what right have we to single out any *one* as constituting *the* mode? By what rule of construction can we affirm that No. 2 is the gist of the article, and that No. 3 is merely incidental—that one is binding on the Legislature and the other not? Why, if the mere holding a con-

vention be the whole object of all these restrictions, why should the *Legislature* pass the bill at all? Why may not the Governor or the Judges initiate the reform movement, by calling a convention? And if all that is required be *to preserve the agency of a convention*, why would not their act be legal? It is obvious that all the points aforesaid go to make up the *mode* referred to in the Bill of Rights, and embodied in Article XI. We have no more authority to say that the *mode* spoken of in the Bill of Rights refers exclusively to any one of these points than to any other; nor that the Legislature had any more right to disregard the limitation as to time than any of the other nine limitations. But can it be believed that all these restrictions of the Bill of Rights and the Constitution were meant by the convention only to guarantee *conventional* reform, without reference to the time of reform? So far from it, is clear from the proceedings and debates of that body, in which these clauses can be traced down till they reached their present form, that the one great object was to establish a limitation as to the *times* of changes, in order to guard against having them too frequent. If it had been only intended to secure reform *by a convention*, how easy to have so stated it, without any reference to time! If there be any truth in these positions, they result in the following propositions:

1. That all sovereignty resides in the people, who alone may establish government.

2. That, in forming a government, they may impose limitations on their own power, which shall remain as long *at least* as they choose to allow.

3. That such limitations can only be disregarded by the power which established them; but for ever bind the mere agents of that power.

4. That the clauses in the present Constitution prohibit the Legislature from passing a reform bill except at the times and in the mode therein mentioned.

From which it follows that the passage of the act in question by the late Legislature was an assumption of power which did not belong to it, and that the act itself is therefore unconstitutional and void. The *nature* of that assumption is partially illustrated by the fact that the act undertakes to command the agency of sheriffs, judges of election, &c., and to *punish illegal voting*—all of which is of course inoperative if there was no competency to authorize such an election.

But the friends of this reform business seek further to justify it as being *just as legal* and *proper* as the reform move-

ment which culminated in the convention of 1851, which established the present Constitution. They assume that *that* movement was contrary to the then existing forms of law, and claim that *that* circumstance shall excuse the present irregularity—upon the principle, perhaps, that one wrong may justify another.

If there were any truth in this assumption—if it could not be directly met and proved to be fallacious, as it can be, it were a sufficient answer to observe that a revolutionary reform (granting it to have been such) in 1851 would hardly excuse a revolutionary reform in 1858; that an overturning of all the forms of law in one year would scarcely make such a proceeding legal in another. Suppose it be admitted, as these modern reformers contend, that the act of Assembly under which the convention met in 1851 was unconstitutional and void, because it infringed the limitations which the old Constitution contained; can it therefore be reasonably contended that it is right, legal and politic in 1858 utterly to disregard and trample upon the *still stronger* limitations of the new Constitution? If constitutional restrictions ought to have bound the Legislature in 1851, should they *now* be powerless to that end? Or if the sovereignty was capable of imposing restraints by the old instrument, was it not competent to establish them in forming the new one? Besides, it is not altogether absurd to remark that the *circumstances* attending an irregular reform in one year may constitute its entire justification; and that the absence of the same great necessities may render highly inexpedient and unnecessary the resort to such a remedy at other periods. In 1850, and for some years preceding, it was the judgment of a large majority of the people of the State, of all parties, that the constitution needed reformation. The subject was fully agitated and discussed, and *delegates to the Legislature were elected with almost exclusive view to the question of reform;* so that the matter took nearly the form of a popular movement, and an assertion *by the people as such,* of *their* sovereign right to disregard limitations. The Legislature was forced into passing the Reform Bill by the irresistible pressure of public opinion, which could not be gainsayed. But can such an act as that, justified and hurried on by actual necessities and the expressed will of the people, form a precedent for the late unauthorized act of the Legislature, not elected with any reference to reform at all, and not applied to for such action by any portion of the people? So we may say, that allowing the Legislature of '50 and that of '58 to have labored under the *same* constitutional restrictions, the popular movements

of the former year may have authorized, or at least justified, the doing *then* of what is utterly defenceless when done in the latter year without such authority or justification. Nor does it appear that the effort now making to compromise the position of the Democratic party, upon the score of inconsistency, is tenable, for the reason that it may readily answer that *it accomplished* its purposes in 1851, and therefore wants no more irregular reform and that by insisting on a reform in that year, when it was really necessary in many particulars, it did not, therefore, commit itself to support constitutional changes *every year,* or to join in the mad cry of reform which demagogues might raise at any moment for the accomplishment of their own purposes. If there be any inconsistency at all now observable in our Maryland politics, it is rather to be found in the course of the leading *supporters* of this present reform movement, who resisted and denounced that of 1850 with great vehemence and bitterness, because, as they said, it conflicted with the then constitutional restraints on the people; and yet are now found excusing, maintaining and justifying the still wilder and more dangerous doctrine that the *Legislature* has the power to disregard the limitations imposed upon it by the organic law! These gentlemen, if their course is rightly apprehended, have all their lives been boasting of their "conservatism," and of their opposition to the wild "Spirit of Democracy," which they affirmed to be the cause of these irregular constitutional changes; how strange, then, to find them converts, even to their own exaggerated representations of that "Spirit of Democracy"—deserting every position they took in the past—becoming the champions of what they have always professed to abhor—seeking to do now what they bitterly denounced when less extravagantly done by others—and, what is most remarkable, justifying their own present action by a Democratic precedent, and now practically approving that precedent which they violently condemned at the time it was established!

"Oh! flesh, flesh, how art thou fishified!"

Are men thus false, upon occasion, to their most solemn convictions—thus ready to sacrifice principle to a low partisan expediency—fit to be intrusted with the direction of public affairs? Or can the sober-minded people of the State have confidence in any movement instituted *by them* for so important a purpose as constitutional reform?

But, at the time of the reform movement of '50, there were many persons in the state, of acknowledged experience and

ability, who did not regard it as an assumption of power by the legislature at that time; and it is far from being clear that the limitations upon amendments, contained in the old and the new constitutions, are so far identical as to render the Act of '50 and that of '58 equally legal and constitutional. And, although we regard the foregoing considerations as ample to meet the argument drawn from the precedent of '50, it may not be altogether irrelevant to notice this point for a moment. And it may be observed at the start, that the legality of the former movement was always and altogether based by its friends upon the assertion that the Legislature *had* the power to pass the reform bill; they were not driven, like their successors of our day, to find their justification in vague generalities, concerning the sovereign power of the people, that do not really touch the point of the legality of *their* proceeding in the premises.

Now, in a comparison of the two instruments a very palpable difference strikes us in the provisions of the respective Bills of Rights—for whereas the former retained *impliedly* for the people the power to amend, alter or abolish *at any time*, the latter, as we have seen, expressly qualifies this retention by adding the words, "*in the manner prescribed in this Constitution.*" Here is then at least one important and very expressive point, in which the limitations of the present instrument are purposely made more stringent than those of the former; and if this increased strictness be not capable of binding the sovereign people, it at least ought forcibly to operate upon the functions of their mere agents. Besides, under the old Constitution, the Legislature had a grant of *full legislative power*—equaling almost in its extent what BLACKSTONE terms the "supreme power of the Parliament." It even had the power of altering the Constitution of the State *by its own act*, just as it is affirmed of Parliament that it may change the Constitution of the realm. The only limitation imposed upon it, in this regard, was that *if it should undertake* to amend it *by its own motion*, it should only do so by two successive acts of Assembly. For, that clause in the Constitution that seemed to prohibit reform in any other mode, had an obvious reference to this great power intrusted to the legislature, and was designed to be construed in connection therewith, in order to effect the great object of the framers of that constitution in that behalf, which plainly was that the *Legislature* should not reform the constitution *by its mere motion, unless* by passing two successive acts. It is plain that the prohibitory clause referred to was not intended to stop any other mode of reformation, which the *people* might de-

mand—for such a construction would conflict with the general doctrine of the ultimate power of the people as sovereign, with the fact that that constitution itself was the work of a convention, and with the further fact that by plain implication the *right of the people* in the premises was *absolutely retained* without any qualification whatever. But, as the legislature, under that constitution, was expressly endowed with power over all rightful subjects of legislation, why was it not proper for it to *decline* the exercise of *its* reformatory powers, and pass a bill submitting the question to the people? There was no prohibition on the passage of such a bill—on the contrary, it fell within the due scope of ordinary legislative power, since it is plain that the restrictive clauses applied only to the contingency of exclusive *legislative* reform. In other words, although the legislature could not then, by its own motion, have changed the constitution otherwise than by two successive acts, it was not clear *at the time* that it had not the power to pass the reform bill, as an ordinary exercise of its parliamentary functions granted by the constitution.

But in the convention which framed the present constitution the recurrence of this turn of affairs was sought to be effectually prevented by the leading anti-reformers in that body. They were not content with imposing the ordinary restrictions upon amendments, but they saw to it that thereafter the Legislature should not only *not* have the power to change the constitution at all, *but that it should not even have the power of passing a reform bill except at stated periods.* The facility with which the then pending reform movement had been *legally* brought about, determined them so to arrange it that the Legislative power should be *expressly limited* in the very point in which it had not been qualified before. Hence the increased stringency of the Bill of Rights and the adoption of Article XI of the Constitution, appointing a definite *mode* of amendment, viz: allowing the Legislature to pass a reform bill once in ten years; by the nomination of which mode and time, as has been shown, the Legislature is, by every just rule of legal construction, shorn of its power to submit the question of reform at any other time. In this then consists, as we think, a wide difference between the powers of these respective Legislatures: the former, in its ordinary exercise of right, might legally pass the reform bill which it did pass; whereas the right to pass such a bill, except at stated periods, is the very thing that is denied to the latter by the new constitution. If this be so, there is then an absence of analogy between the act of 1858 and that of 1850, arising from the dissimilarity of the powers of the Legisla-

tures, by which they were respectively passed, *touching the very point of the right to pass them.**

II. To turn now from a discussion of the legality of the present movement for reform to a consideration of its expediency, we "draw as it were within a much narrower circle;" for the reason that, as far as appears, the people are yet to be informed of the causes which have occasioned the movement. They had a right to expect that so serious a step would not be contemplated at any time, except upon weighty considerations of public policy; but certainly those reasons must be of the very gravest character, that could have justified the authors of this movement in asking the Legislature to overstep its constitutional powers, and irregularly to anticipate that period of quiet reform which the people, whose agents they were, had solemnly appointed in the organic law. Yet we are not aware of the first effort having been yet made to furnish any adequate representation of the present defects, inconveniences or grievances, that have been deemed sufficient to warrant this invasion of the retained rights of the people. So that, in point of fact, we are hurried to the polls, upon barely two months' notice—a time especially insufficient for the formation of public sentiment in the rural districts—and required to vote *yea* or *nay* upon the most momentous question that can be presented to a republican people, quietly enjoying the blessings of a government they have themselves but just established; and then we are left, forsooth, to *guess* the reasons that existed for throwing us into a turmoil such as this, that may renew old conflicts and embitter the feelings of the people!

*In the old Bill of Rights, there was no *expression* given to the inherent power of the people to change their government, beyond those clauses which declared that "*all* government originates from the people," (Art. 1,) and which set forth their "exclusive right to *regulate* the internal government and police" of the State (Art. 2.) The existence of such a power, however, was of course understood, taken for granted, and unnecessary to be formally expressed; for, indeed, it was incidental to, and implied in, the very act of forming the Bill of Rights itself; that having been an exercise of popular power. The 42d article of the same declared that the Constitution "ought not to be changed *by the Legislature*, &c.," except in the mode which it might prescribe. And the 59th clause of the Constitution proper proceeded to appoint two successive acts of Assembly as the *mode* in which the *Legislature*, of its own motion, might reform and amend, &c.; which last clause, bearing an obvious reference to that which preceded, must be construed along with it. So that all the limitations of the old instrument were intended as restrictions to operate only upon *absolute Legislative* reform, and did not extinguish the right of the Assembly to enact a bill, submitting the question to the people, as a due exercise of its ordinary Legislative authority. But the limitations of the present instrument, it is submitted, actually dock the Legislative power of the Assembly in this regard, by making illegal the passage of any such law except at specified periods.

The Reform agitation, which resulted in the adoption of the Constitution under which we now live, extended through several years, was incessantly discussed before the people and through every channel by which public attention could be reached. That open, palpable, and undeniable reasons for reform existed, very few ever seriously doubted; and, indeed, the gist of the *party* conflicts it *at first* engendered, turned rather on the mode by which Reform was sought to be accomplished than on the propriety of Reform itself. By successive alterations, the old Constitution had already, to a great degree, lost its original character, and very many of those of its primitive features that remained had become antiquated, illiberal, inadequate to existing wants, and unsuited to the progression, experience and genius of the times. Towards the end of the contest, indeed, party lines became almost lost sight of—the leaders of each division of opinion vieing with those of the others, for the merit of being the "best Reformers;" and this is admirably illustrated by the fact that in the Convention which formed the present instrument, there was a majority of members belonging to that political organization which is represented as having opposed Reform in a body! The work accomplished by the Convention was a modification of the general character of the organic law. It was modernized, liberalized, popularized, in accordance with the then received views of public policy. Those questions that had always distracted sentiment within the State, were definitely and honorably settled upon a basis that has been approved of by the people. The great elective principle of the government, the right of the people to choose their own officers, was put into operation, and the apportionment of representation was arranged in a manner which, if it did not suit all parties at the time, appears to have met the public acquiescence since. Under the Constitution, so fixed, we have now lived the brief space of seven years. Those portions of it, whose meaning was doubtful, have undergone judicial construction, and the interpretation of the whole instrument is now as well settled, perhaps, as any human instrument can be. During all this time we have heard no discontent. Certainly, however, to speak within bounds, no discontent has been manifested to the extent of warranting a belief, that the people wished to anticipate the time themselves had fixed for the orderly amendment of such evils as the new form of government might develop. There has been no new question of Reform raised in any portion of the State. We have had several general, and many local

elections. The Legislature has been in session several times. Yet never, until the past winter, did any one dream that such a movement as this was contemplated by a single citizen! And what was there before *that* body to lead *it* to infer that the popular will lay in this direction? Were its members elected upon any such issue? Did any of them moot the question during the canvass? Did any political party unfurl the banner of Reform? Were any of them instructed by their constituents to do this thing? Never, never! Not a solitary word had been spoken on the subject during the canvass. Not a hint had been given of any such intention. Not a single petition was presented to the Assembly, asking such action. Like his namesake of the past, "Old Cæsar" had led his hosts along, all unsuspicious of the object, until suddenly they were brought face to face with this Rubicon of Reform, and were bid to pass it in the name of the party! The thing has not been demanded by the people to any extent; we have no right to suppose they wished it, but the presumption is against such a hypothesis—and, to that extent, the impolicy of the movement is sufficiently exhibited, because it is a matter that has exclusive reference to the popular will, in all its bearings. But the circumstances under which it has been thrust on an unwilling people, show it to be scarcely above the level of a political trick, and indicate to what a fearful extent small demagogues, having nothing to lose, will meddle with and unsettle those subjects that are of the last importance to the welfare of the body politic.

Perhaps there is no State in the Union in which State pride is stronger, while the interests of its several sections are so diverse as in Maryland. The natural division of the State by its great artery of commerce, and the palpably separate interests of the several parts of the larger division, have always produced and kept alive an internal rivalry the marks whereof are even yet visible in the organic law, in these peculiar and anomalous provisions by which her whole area is "districted" for the choice of certain great officers. These circumstances have also always fostered an incessant jealousy between the sections upon many subjects, but particularly upon that of the basis of representation—which has been an undying source of contention in the past, and has produced the warmest excitement among the people whenever its alteration has been proposed. All these questions have been settled by the people in the present Constitution for ever—at least so as not to be agitated in an uncertain and dangerous manner for the future, but only in

that quiet and orderly method which themselves have therein appointed, for gradually considering the alteration of them as the necessity may arise. It is unfortunate enough, indeed, that these great interests should *ever* be brought under discussion and a conflict for power and influence engendered between the sections of the State; but is it wise, is it prudent, is it politic, that an occasion should be given for their agitation, when such agitation is not necessary nor sought by the people; or is it statesmanlike or patriotic, to *disregard* the provisions of the organic law with a certainty of inciting these conflicts, when the only objects proposed are merely secondary in their nature? Surely, if the people of Maryland must, perforce, be periodically thrown into such discordance, in God's name, let us not anticipate the time for the consideration of such topics! In this regard it is profoundly true, that the evil is sufficient unto its day.

In reference to these matters, the danger and impolicy of frequent changes is sufficiently apparent. Unquestionably, exciting questions, that have been settled upon compromise, ought not to be rashly reopened. But does not the same reasoning apply generally to the leading features of the Constitution? Whatever may be, abstractly or theoretically, their soundness in the light of political philosophy, is it advisable that they should be perpetually in a state of alteration—that the fundamental principles of the government should be always on the anvil of political tinkers? If we may trust the judgment of some of the wisest publicists, even the *form* of a government is of little consequence as compared with its *fixedness:* and how palpable is this true of the mere *details* of that form! It does, indeed, seem to be a small matter what may be the peculiar features of the written instrument that governs us, so it comport with the genius of our institutions, be settled in its terms and interpretation, and bear equally upon all; and this unceasing mania for overthrowing the foundations of our institutions, is a sad but striking application of the wisdom of him who washed his hands of such discussions and said:

> "On *forms* of Government, let fools contest!
> That which is best administered is best."

But, in point of fact, the few objections we have heard urged to the present constitution, as reasons for the violent attempt to change it, do not appear to be aimed chiefly at its leading characteristics. The elective principle it embodies is, no doubt, offensive to many, whose whole lives have been

spent in endeavoring to curtail the rights of the people, and who, if they had the power, would unquestionably restrict them to the narrowest functions. But still, some little remaining fear of the people restrains them from an open attack upon this principle, *as such*, and confines them to complaining of some of its applications. Thus, one man objects to the election of the Judges; another to the election of Justices of the Peace; and so on, through a long scale of all conceivable objections, such as are usually developed in every controversy among men. This is no place to enter into any discussion of the policy of electing Judges by the people. It is one which can only be settled by the test of experience, and on which thinking men may honestly differ. But, putting aside its peculiar merits, what objections are urged by our modern reformers against electing Judges, that are not equally potent as against electing the Governor, the Legislature, the Sheriffs, or any other officers who, every one agrees, ought to be elected by the people? It will not do to say that Judges ought to be chosen from considerations above party, because, to go to the bottom of the matter, so ought Executives and Legislatures to be appointed. It will not do to say that Judges must be exempt on the bench from all outside pressure; for, however true this is, it is realized even *now* by the present system; and, besides, it does not appear that Executives or Legislatures ought to be so influenced in performing *their* duties. Each is as responsible and as important in his sphere as the others, and ought as well to be chosen from considerations of fitness. And if the people be, as they are acknowledged to be, capable of electing one, why are they incapable of electing the others? Or, why is it that Executive selection of Judges is pronounced necessarily so much more unerring than the popular voice, when that voice, in fact, *elects the Executive?* In truth, these objections do not go so much to show the impolicy of electing Judges, as to invalidate and *discredit the principle of popular elections generally.*

Doubtless a change, at least in the details of the present judicial arrangement, by which judges should be chosen for a smaller area, might contribute more fully to the development of the elective theory. But the real question for the people *now* is this: are the evils, real or imaginary, arising from the present system, of such fearful magnitude as *to necessitate immediate revolutionary reform?* Are these great inconveniences, so suddenly discovered the past winter, of such overpowering importance, as to justify an irregular overthrow of the constitution, or a gross assumption of power by the

Legislature, for the purpose of anticipating the regular routine of periodical reform? Could we not possibly have waited till 1861? That is the question for the people *now*—that is the test by which all objections to the present constitution, whether they touch matters of principle or matters of mere detail, ought to be tried. No man says the instrument is a perfect one. No man denies that in very many respects it might be improved. But very many do contend that its imperfections, striking as they may be, did not warrant that great outrage on the rights of the people, which was sought to be accomplished by this new reform bill.

To these considerations it might be added, in further proof of the impolicy of the movement, that it is not possible any constitution should be formed that shall *suit every body*, and square with the political doctrines of every citizen. But it would seem, indeed, that this miracle must be accomplished before we shall be able to live in peace in Maryland, if every little nest of demagogues who may be dissatisfied with the organic law, or who may wish to change it for its own sinister ends, shall be able, independently of any popular movement, to bring down the Constitution about our ears! Besides—what guarantee have we that we shall be the gainers by the operation, or that the instrument to be formed will be superior to that we now have? Is the character, standing, reputation or influence of the ringleaders of this movement such as to promise us that we shall better our condition by the change, or to warrant us in disregarding the admonition that possibly we may fly to other and worse evils that we know not of? The men who framed the present Constitution were the first citizens of the State in every respect. So able a body perhaps never met before in Maryland. Shall we suppose they meant nothing in what they have written; that they cast no thought on what they were doing? Shall we take it for granted that they gave us a stone, when we asked for bread? Oh! it would make a Mercutio break his sides with laughter to become aware by whom, and for what purposes, we are bid to write down as blockheads the Reformers of 1851; to see the difference of calibre between those who built and those who would pull down the Constitution, and to note the high experience of the former in comparison with the wisdom of these their latter-day revisers, of whose performances in public affairs Iago would not greatly have erred in affirming that

———"Mere *prattle*, without practice,
Is all their soldiership!"———

But again. In thus considering the policy of this movement, let us observe another of its features. We all know that the Reform Question would have been submitted to the people in 1861, anyhow, by the due operation of Article XI of the Constitution itself; and that the professed object is to *anticipate* the terribly long period intervening 'twixt now and then, that we may the sooner be rid of these formidable inconveniences. Well, the call of the convention is to be voted upon on the 26th of May. In October next the delegates are to be elected. In January, 1859, the convention is to meet and to sit as long as it shall choose. In the fall of that year, the Constitution it shall form is to be submitted; then the returns of the election are to be made, and in due season thereafter the result announced. So that the year 1860 will have actually come upon us before this constitutional reform can take effect! And thus our impatient agitators, after all the excitement, trouble and expense to be now occasioned, will actually, provided they shall have the best of luck, only succeed in anticipating by *one year*, the regular legal and constitutional period for the inauguration of a movement for Reform! Of a truth, this is indeed a vast object for which to sacrifice the peace of the community! And then, again, some of us country people are disposed to examine how much it will cost the people to indulge our reformers in this useless whim. Already one hundred thousand dollars have been appropriated as a sort of *outfit* for the Convention. The incidentals and the *infit* we shall have to foot up afterwards, besides the cost of *three general elections*, and of the various elections, and other arrangements which may be necessary to put the new constitution in motion. Probably half a million dollars, to be wrung from a people already taxed almost beyond endurance, for a mere caprice, extorted by those who have not relieved the people in that regard one penny! not to speak of the demoralization to be occasioned by all these elections, and all this excitement, consequent upon the action of those who profess to dislike the *frequency* of elections! Lastly, we suppose something is due to the *sanctity* of the organic law. Some portions of the people—certainly those of my section—have an old-fashioned way of regarding their Constitution as having some claim to their respect; they dislike to see rude hands laid upon it, and to see it made a shuttlecock for the amusement of demagogues; they would prefer that when changed it should be amended "decently, and in order," and that its overthrows should not be so frequent as to reduce it more to the likeness of a mere act of Assembly, than that of a stable and venerated Consti-

tution. And it may be that the patriotism and truth of such sentiments are not altogether effaced, nor their utility entirely dispensed with, by the fact that the course and spirit of our recent Maryland politics have been such as to deny and trample on the sanctity of all law, whether human or divine.

If, then, this reform movement will renew local animosities that ought to slumber; if it will disturb compromises already settled, and provoke rivalries against which stability is the only precaution; if it be not demanded by any very urgent public necessity, nor made imperative by *real* evils; if the present Constitution is as generally satisfactory as any other is likely to be, and as perfect as any we shall probably get in its place; if the contemplated change will contribute to help on the wild spirit of reform, to unsettle that which ought to be stable, and to make a by-word of that which ought to be held sacred; and if only the briefest period is to be gained in the attainment of regular and legal reform, after all the excitement and conflicts, demoralization and costs thus to be realized and endured,—if these things be so, we ask can it be doubted that it is the part of wisdom, prudence, good-citizenship, and sound statesman-like foresight to let this project pass by as the idle wind, and to decline to authorize the call of a Convention?

III. The considerations that have been advanced may be sufficient to give an outline of the very many reasons why the policy of this movement may be seriously questioned; and to exhibit, in a general way, the character of the objections that may be justly raised to its endorsement by the people, considering it merely as a proposition for an irregular or revolutionary reform, just as any other movement of the same character might be objected to, if inaugurated before the time specified in the Constitution. But there is another class of objections to it, arising from other than *general* considerations of expediency, that appeals more directly to the sentiments of a large portion of the people of the State, because touching more nearly their interests; and which, therefore, is likely to be, and indeed ought to be, more potent to influence their action in the premises than any generalization whatever. "SALUS POPULI SUPREMA LEX" is both morally and politically true of every community, and as there cannot be any consideration more powerful than self-interest to arouse its energies, so no incentivecan be more worthy in stimulating the efforts of those, who strive to protect themselves and their fellows in the enjoyment of their just political rights and influence. And not a little reason has been given for

the development of this class of objections, by the passage of the recent Reform bill, because it has become apparent that, in its effects, it is likely to reopen the great questions setteld in the present Constitution, and to rekindle the jealousies and anxieties of the different sections of the State, before spoken of. And, if indeed this is about to be done; if a state of affairs is likely to be brought soon about, when the relations of those sections shall again be opened for a new contest and a new settlement; then, indeed, is it both natural and reasonable that each section should feel alarmed for its own privileges, and should begin to examine this whole movement, in the light of its own interests, and of its relations to the present guarantees that are essential to its welfare.

The indications that have already appeared to justify this sectional watchfulness are varied in their character. Some of them have been hereinbefore adverted to, in referring to the suddenness with which this movement has been thrust upon our attention, which is alone calculated to produce distrust in its honest purposes; which, however, in another connection, shall be more fully noticed afterwards. But it is not a little singular, that circumstances which occurred at the time the bill itself was passed, and which stand recorded on the journals of the two houses of the Assembly, are of themselves adequate to establish motives on the part of the concoctors of the movement, likely to render it highly dangerous to the interests of the counties, or else to enfold its authors in an inextricable web of confusion, inconsistency and absurdity of action. This will appear by some brief notice of the course pursued by them, and by the majority generally, upon the several amendments that were offered to the bill in both Houses, to which I ask your attention for a moment.

When the bill came up for consideration on the first day of March last, in the House of Delegates, I had the honor to propose the following amendment, as an additional section:

"Sec. 2. And be it enacted, That it shall not be deemed and taken that the said convention is duly approved of by the people, or authorized to be called together, or to meet for the purpose contemplated by this act, unless on the said fourth Wednesday in May next, a majority of the actual legal voters of the State shall vote 'for' the said convention; and the said majority shall be computed with reference to the total vote polled for Governor in the year 1857, as a standard."

Which was at once lost, *by a strict party vote.* It cannot be pretended that the Legislature had not the power to adopt this amendment, for if it had any authority at all to direct

an election on the call, it surely had the right to say by how many votes it should be ordered. It was argued in support of the proposition, by several opponents of the whole bill, that the adoption of the amendment was the only way of testing whether a majority of the people really wished a changein the Constitution; for, in that event, they might be justly expected to go to the polls and vote for it, so as to insure its being called. It was further argued that great difficulty existed, and must always exist, in the rural districts, in bringing out a full vote; and that unless the above *or some similar restriction* were introduced, the counties would be placed at the mercy of the city of Baltimore and of the few very thickly populated districts, in which the concentration of population would always insure a large vote; and, moreover, that if the Legislature should always assume authority to submit this question of Reform, and this particular bill should become a *precedent*, then a large portion of the people of the State would be, *practically*, always at the mercy of even a majority of that small portion of the people of the city and districts aforesaid, who might choose to vote. And it is not to be denied that the amendment was supported with not the less eagerness, from the consideration that recent events had proved the capacity of certain parties in the city to regulate its majorities to suit themselves. But these appeals were of no avail, and no such provision was allowed to be incorporated in the bill. It may be well to bear this fact in mind, in connection with the secrecy of the whole movement, as, taken in that and other relations, it may shed some light upon the inquiry, whether the concoctors of this movement really and honestly meant to test the *sense of the people* fairly upon this reform business, or whether reform had not been already determined on beforehand, and the submission to the people a mere farcical ceremony.

On the 2d day of March, when the bill was again taken up for consideration, I had the honor to offer six other amendments, also in the form of additional sections, partly for the purpose of testing the opinions and designs of the reformers, and partly for the purpose of effecting, if possible, the stability and protection of certain leading interests. Of these, the first was merely introductory, and the last *explanatory* of their purposes and rendering them operative and efficient. They are as follows:

FIRST AMENDMENT.

Section 11. And be it enacted, as the express and undoubted meaning of this act, that the convention provided for by this act shall be held and

deemed to have power, in the manner hereinbefore granted, to alter and amend all parts, provisions and features of the existing constitution and bill of rights except those hereinafter expressly excepted.

Which was of course rejected, as that already named.

SECOND AMENDMENT.

Section 12. And be it enacted, that the said convention, if it shall assemble in pursuance of this act, shall have no power or authority, directly or indirectly in any manner whatever, to alter, amend or change, or to recommend any alterations, emendation or change, in any of those parts, articles, sections or provisions of the existing constitution and bill of rights which recognize, protect or establish the institution of negro slavery and the relation of master and slave in this State.

Which was agreed to—yeas, 44; nays, 22.

THIRD AMENDMENT.

Section 13. And be it enacted, that the said convention if it shall assemble in pursuance of this act, shall have no power or authority, directly or indirectly, in any manner whatever, to alter, amend or change, or to recommend any alteration, emendation or change in any of those parts, articles, sections or provisions of the present constitution and bill of rights, which establish the basis of representation of the several counties and the city of Baltimore in the Senate and House of Delegates.

Which was lost—yeas, 25; nays, 37.

FOURTH AMENDMENT.

Section 14. And be it enacted, that the said convention, if it shall assemble in pursuance of this act, shall have no power or authority, directly or indirectly, in any manner whatever, to alter, amend or change, or to recommend any alteration, emendation or change, in any of those parts, articles, sections or provisions of the existing Constitution and Bill of Rights which give to the people the power of electing the principal officers of the several departments of the government under the same, and which recognize the extension of popular rights in that regard, which was inaugurated by the movements that resulted in the adoption of the present Constitution.

Which was lost—ayes, 15; nays, 45.

FIFTH AMENDMENT.

Section 15. And be it enacted, That the said convention, if it shall assemble in pursuance of this act, shall have no power or authority, directly or indirectly, in any manner whatever, to alter, amend or change, or to recommend any alteration, emendation or change in any of those parts, articles, sections or provisions of the existing Constitution and Bill of Rights, which establish the city of Annapolis as the seat of Government.

Which was lost—ayes, 21; nays, 41.

SIXTH AMENDMENT.

Section 16. And be it enacted, As the express and undoubted meaning of this act, that in reference to the taking the sense of the people on the 4th Wednesday of May next, as hereinbefore provided, this act shall be construed as follows, and in no other way, namely: That it is the express meaning of this act only to authorize a vote by the people on the first Wednesday of May next, as to the expediency of calling the convention aforesaid as a body that is to be necessarily limited in its powers to the extent of the exceptions, limitations and denial of powers herein recited. And the ballots to be cast on the said day "for" or "against" the convention, as hereinbefore provided, shall be held, taken and deemed to signify only the wishes, opinions and will of the people, favorable or unfavorable, as the case may be, as to the calling a convention limited and restricted in the respects aforesaid, it being the express and deliberate intention of this act that the only question before the people on the said first Wednesday in May, shall be the expediency of calling a convention limited as aforesaid.

Which was lost—yeas, 19; nays, 42.

Mr. Thruston, a Democratic member from Alleghany county, then proposed the two following amendments, additional sections to the bill:

Section —. And be it enacted, That the said Convention, if it shall assemble in pursuance of this act, shall have no power or authority, directly or indirectly, in any manner whatever, to alter, amend, change, abridge, abbreviate, limit, annul, or do away with the guarantees of religious liberty, in the present Constitution and Bill of Rights contained and expressed, nor shall it establish any religious test as a qualification for office, or a condition or qualification to the elective franchise in this State.

Which was lost—ayes, 20; nays, 39.

Section —. And be it enacted, That the said Convention, if it shall assemble in pursuance of this act, shall have no power, directly or indirectly, in any manner whatsoever, to alter, abridge, change, annul, deny, reverse or overturn the principle established by the present Constitution, that all citizens of the United States shall have and enjoy all the rights, privileges and franchises, civil and political, and of property, secured and guaranteed to them by the Constitution and Bill of Rights of this State, as they at present exist.

Which was lost—ayes, 18; nays, 42.

These several amendments have been cited entire from the journals, in order that their full scope may be presented, and that it may appear what were the exact propositions upon which the members were called to decide. It is not proposed to analyze the vote in each case, nor to refer to the actions of individual members, further than to remark, that the amend-

ments were sustained generally by the minority and voted down by the majority of the House; but to submit a few observations, tending to show the truth of what was premised at the opening of this particular inquiry.

When the amendments were offered, the objection raised to them was that they would be inefficient, because they only amounted to Legislative restrictions upon a convention of the people; an attempt by an Act of Assembly to usurp or to confine the unlimited powers of the sovereignty. It may be well said, indeed, that this was an exceedingly *consistent* objection to come from those who were, at that very time, endeavoring to consummate an act which was, in the highest degree, derogatory to that sovereignty of whose rights they appeared to be so tender in the matter of these amendments; for it would have been difficult to discover, in those several propositions, any Legislative assumption that was worthy to be compared with the high-handed assumption implied in the passage of the bill itself. It was an amusing circumstance indeed, that they who, without wincing, could boldly lay hands on the powers of sovereignty, and unhesitatingly disregard the limitations that sovereignty had imposed upon them, and call a convention in a manner not warranted by the Constiution, should have suddenly become so squeamish in defining the powers of the convention, lest they should perchance encroach upon the power of the people! It was amusing to observe how they, who had scorned the privileges and commands of sovereignty in the general, should be so delicate, and cautious, and modest about even presenting the semblance of derogating from sovereign rights, in the detail!

If there were no further and complete answer to that objection, however—if it could not be shown to be utterly without foundation, by the very terms of the amendments, as it can be—there might be room to inquire whether the objection had any force upon its own merits; whether, *under the peculiar circumstances of the case*, the Legislature might not have limited the action of the convention at pleasure. There is no question, of course, that in a reform movement begun by the *People*, or *authorized by the sovereignty* to be conducted contrarily to the forms of law, the Legislature would have no shadow of right to interfere for any purpose, and least of all for the purpose of limiting its powers. There is no question that a convention, proceeding and deriving its just authority from the will of the sovereignty, would be incapable of being trammeled at the hands of a mere agent of the sovereignty. But was this such a convention? Clearly, if there be any truth in what has already been advanced in

this connection, the sovereignty had never authorized the convening of such a body at that time, and if it shall assemble it will assemble in obedience to the direction, not of the sovereignty, but of the Legislature which called it into being. So that, independently of any validity it may seem to acquire from popular sanction hereafter, if such sanction be vouchsafed, *still at the time this bill and these amendments were before the Legislature*, the contemplated convention could be regarded in no other light than as a Legislative creation, as the creature of the body which passed the bill, whereby its assemblage is directed. In maturing that measure, the Legislature was actually creating this bantling step by step; was proceeding upon its own sole authority and responsibility, to call into being a body for certain purposes. What could have hindered the Legislature, then, from fashioning the creature to its own liking? Why, in thus independently proceeding to suit itself in the *purpose contemplated*, was it necessary, in any degree, to shape the mere details so as to square with certain rights of sovereignty? Sovereignty had clearly nothing to do with the affair—had never authorized it, and did not want it. Why might not its own creator, then, have restricted it? And why would not those restrictions have bound it when it should assemble, seeing it was to meet, not in obedience to a direction of the people, but only and exclusively in pursuance of the will of the Legislature? For no one pretended to contend there was any constitutional warrant for this convention, and the whole hope of effectuating its reforms was based upon the subsequent acquiescence of the people. Thus, even upon the merits of their own position, this pretence of the majority might have been met not altogether unsuccessfully.

For this, however, there was no necessity, inasmuch as, in point of fact, the amendments did not seek to limit the Convention by force of Legislative enactment; did not contemplate the assertion of the doctrine that the will of the Legislature could restrict the sovereignty of the people. It is perfectly plain, as a moment's attention will show, that this objection is entirely obviated by the structure of the amendments, and that they were *purposely* drawn to avoid its effect. Now it is true that the first five of them, as well as those of Mr. Thurston, are positive, direct, unmistakable restrictions, pointing out those features of the present Constitution and Bill of Rights, which the Convention was to have no authority to alter or amend. Taken alone, unexplained, these indeed do at first look like an attempt at legislative restriction,

and as though they afforded some room to doubt their efficiency. But it is the *sixth* amendment that was designed to qualify and explain those which preceded, and it is precisely *its* provisions which give vitality to the others, which change their nature so far as to make them *popular* instead of *legislative* limitations, and which, if all of them had been adopted, would have caused the question now before the people to be simply the expediency of calling a *limited* instead of an *absolute* convention. That this is true, is apparent from the very words of the amendment. It sets forth clearly the meaning of the bill, and of its restrictive clauses, and declares it to be the "express and deliberate" intention of the Act, to take the sense of the people upon the expediency of altering or amending the provisions of the Constitution and Bill of Rights *other than* those named in the amendments; the effect of which would have been *that the power of limitation would have been exercised over the convention*, not by the *legislature*, but by *the people themselves at the polls*, in the very act of voting for a convention limited in these particulars. And the convention would therefore have become a limited one in its very inception, and would have assembled with its hands thus tied by the people. As to the power of the Legislature to have effectuated the purposes of the amendments in this way, there cannot be the smallest doubt; for, surely, if it had the right to take the sense of the people upon the expediency of calling a convention to amend the *whole* Constitution, it certainly must have possessed what is indeed a *minor power*, viz: that of taking their sense upon a convention to amend certain parts of it, or to amend it generally, with given restrictions. And as it was contended by the majority that an affirmative vote by the people on the fourth Wednesday of May, would give the convention the character of being a creature of the sovereignty, so we may claim that, had the amendments been adopted as proposed, a similar character would have been given to the *limited convention* that would have ensued:—*it* would have represented the people to the extent allowed by the people, viz: to the extent of altering all parts of the Constitution *except those named in the bill.* And indeed, in that case, the whole movement would have just amounted to a submission to the people of a question of *partial* reform of the Constitution, a procedure quite common in the States of the Union—in many of which even single clauses have sometimes been thus submitted. All of the amendments were read in the house before the vote was taken upon any, and thus all the members must be presumed to have been aware of their ability, by means of the sixth

amendment, to take out of the hands of the convention the great interests sought to be protected by the others. And hence is drawn from before them all the shelter supposed to be afforded by the pretence that "the Legislature couldn't control the Convention." And the disclosure of the fact that they had the ability to protect the interests referred to, and yet declined to do it, exposes their action to a just suspicion on the part of those to whom these interests are dear, and holds them responsible to an extent that shall be hereafter adverted to.

And, as for the matter of the inability to restrict the convention in any particular, it may be farther noted that the *bill itself*, as reported to the House, in its original form and independent of the amendments, *was full of limitations.* Thus it provided: (1.) that the convention should meet at a certain time, exclusive of all other times; (2.) at a certain place, exclusive of all other places; (3.) that the people should send a certain number of delegates, to the exclusion of any other apportionment; (4.) that the convention, in framing a constitution, should first pass upon it by sections; (5.) and then pass upon it as a whole; (6.) that the constitution should subsequently be submitted by it to a popular vote—which was a limitation both on the people and on the convention; (6.) that no constitution *should be* submitted, unless adopted in the manner aforesaid. In these particulars, it is plain that the hands of the convention were sought to be tied up by the Legislature, and these several limitations now exist in the bill! Indeed, it would be difficult to find a sentence in the Act that does not, in some form or other, impose a limitation on the action of the people or of the convention; and the fact that it would be impossible, perhaps, to frame such an Act *without restrictions* only goes to show the unreasonableness of the pretence of a want of power to limit. It might be pertinent, indeed, to inquire whether the passage of this Act itself, directing reform only in a certain prescribed way, is not a restriction of the great, original power of the people; but it may be at least claimed that the above palpable disabilities on the convention, contained in the bill itself, should have estopped any objections to those which it was proposed to insert by the amendment, as least on the score of a want of power to impose them.

But to proceed: It will be observed that the second amendment, relating to slavery, was *adopted!* twenty of the majority voting in the affirmative and twenty of them in the negative, as the recorded votes will show—among the *latter* being the particular friends of Reform and authors of the Bill.

When the call of the roll was complete, almost the whole of the majority is believed to have stood recorded in the negative. Now, whether there was any thing particularly dangerous in the word "Slavery," or not, need not be dwelt upon; but before the announcement of the result, an example was given of a change of vote from the negative to the affirmative, that was quickly followed by others, until the vote stood as before noticed, and the amendment declared adopted. As has been already observed, the *third* amendment, which was designed to prevent any change in the present basis of representation—the great question, after all—was promptly rejected under the operation of the previous question. The *fourth* amendment was intended to preserve the elective principle in the Constitution; to prevent the reversal of what was one of the great triumphs of the Reform movement of 1850. It did not mean that all officers now elective were to remain so, nor did it assert that the application of that principle was or was not carried too far in the present Constitution. It only sought to prevent stripping the people of their right, in accordance with the whole theory of the American system, to elect their *chief officers* in the several departments of the government; yet, it also was speedily rejected. So, also, was the *fifth* amendment, designed to prevent the removal of the seat of government to that great vortex that appears solicitous of engulfing every Maryland interest. And Mr. THRUSTON'S admirable amendments, which struck in some quarters with peculiar severity—one of them intended to secure the present guarantees of religious liberty and to guard against the establishment of any religious test, and the other to secure to the citizens of the United States, for the future, those privileges they have enjoyed under our laws in the past—were also unhesitatingly voted down. So that one only of the amendments proposed was accepted, while all the others were rejected by the majority. Concerning which, the following observations, touching the singular course of the majority, seem to be founded in reason:

1. Suppose all these amendments were void, even had they been adopted, and might have been disregarded by the Convention: why not insert them, taking the chances of their being *not* disregarded, or at least as expressions of opinion—provided the majority really favored the objects of the amendments?

2. Again: If they were void, still the majority adopted the 2d amendment. If they adopted that, believing it to be void, they deserve no credit, of course, from their action

for being in favor of the purpose of that amendment. Besides, what could they have meant in adopting that restriction, after declaring all the proposed restrictions to be void? Upon the hypothesis of their knowing it to be void, its acceptance was the granting an empty boon, and was a hollow pretence at best.

3. But it is more charitable to the majority, to suppose that they acted honestly and sincerely in this matter. They certainly cannot be offended if we choose to believe they acted *truthfully*, even if we shall hold them to the consequences. Let us give them all credit, therefore, for voting for the 2d amendment in the belief that it would be effective. What, then, becomes of their argument against the validity of the restrictions generally? And what, too, shall we say of their refusal to adopt the other amendments?

4. If, again, as we charitably suppose, they *honestly* adopted the naked restriction contained in the 2d amendment as aforesaid, then why did they not adopt the *sixth* amendment, by which alone they could have effectuated the 2d, and given it vitality?

5. Again: Upon the hypothesis of their having acted honestly, they have refused to adopt that amendment providing against the alteration of the present basis of representation, when, by their course, they have admitted they could have prevented such alteration. Now this issue of Representation is, by long odds, the most important one that affects the people of the Counties at all. Indeed, it may be said to *include* even the Slavery issue; for, if our representation be stricken down, where is our Slavery interest, or where, indeed, any other interest that is of the essence of our prosperity? It is therefore submitted that, by their action as now detailed, the authors of this Reform business may be brought before the people of the State as having deliberately evinced a determination to moot again the question of representation. To the same extent they may be said to have declared against popular elections, and the right of the people to choose their own servants; in favor of a removal of the seat of government from Annapolis to —— they best know where; against a continuance of the present privileges, in this State, of citizens of the United States, and against a preservation of the existing guarantees of religious liberty and non-sectarian tests, as now happily in force in Maryland! Let it be marked, too, that these conclusions follow upon the hypothesis of their having acted with common honesty! Looking to the course of the majority, to ascertain the meaning of this movement, we may

conclude that if they acted *dishonestly*, and are willing to say as much in order to avoid the above dilemma, that fact of itself must discredit their Reform movement; whereas, if they have acted *honestly*, it is still more discredited, because proved to be hostile to the highest county interests. And it further appears, from the above analysis of their course, that we can only award them the praise of honesty, at the cost of showing them to have acted more inconsistently, more absurdly and more childishly, than any set of men perhaps that ever met in a legislative body!

So much for the House of Delegates. At the risk of becoming weary, let us turn for a moment to the Senate, and observe what there transpired when the Reform bill was brought forward; and it will appear that a majority of the honorable occupants of that historically hallowed chamber, were more obfuscated and more stultified, if possible, than their brethren of the House; or else, that they assumed the same suspicious position as to County interests with even more effrontery. The bill being under consideration, Mr. Miles, the Senator from St. Mary's county, offered a long series of amendments, in the form of additional sections to the bill, embracing all the points sought to be protected by the amendments offered in the lower House, with the addition of one guarding against the re-establishment of the Lottery system and some others, of equally general importance, though not directly touching County interests. There was a difference, however, in the manner in which these several propositions were presented by Mr. Miles, as will be gathered from the following, which is substantially one of his amendments:

"Sec. —. *And be it enacted, &c.*, That it is the opinion of this General Assembly that the said Convention, if it shall assemble in pursuance of this Act, *ought not* to alter, amend or change any of those parts, articles or provisions of the existing Constitution and Bill of Rights which establish the relation of master and slave in this State."

The same form of words, "*it is the opinion of this General Assembly*," was used in all his other amendments, being applied to the basis of representation and to all the other subjects of the House amendments. So that the Senate was simply, by the amendments there offered, desired to *express its opinion* that such and such great county interests ought not to be meddled with. Yet, strange to say, all of Mr. Miles's amendments were voted down by the majority! We have the less difficulty, therefore, in reaching the inference entitled to be drawn from this conduct on the part

of the majority of the Senate; for if they decline even to express an opinion that these questions *ought not to be* interfered with, it follows, as a matter of course, that they rather think their agitation ought to be renewed!

There are a few points, however, touching the Senate's action that deserve a passing notice:

1. When the reform bill reached the Senate, it was clogged with the slavery amendment that had been adopted in the House, which, it will be remembered, was a naked restriction on the convention, the House having rejected the *sixth* amendment that would have made it effective. This amendment was not stricken out by the Senate—and yet the majority rejected MR. MILES'S amendment, declaring it their *opinion* that slavery ought not to be interfered with! An absurd contradiction, that is sufficiently suggestive without further comment.

2. The pretence given in the Senate for not adopting the amendments offered, was the same that had been advanced in the House—the old story of a want of power to restrict the convention. Yet the Senate let pass the slavery restriction that the House had put in the bill, and is thus held responsible (provided the majority acted *honestly!*) to the same extent as has been developed in reference to the majority in the House. Our deductions regarding the latter are thus equally applicable to the majority in the Senate. But it cannot be pretended that MR. MILES'S amendments *were restrictions at all*, because they only amounted to expressions of opinion—and hence the position of the honorable Senators is even more defenceless, in this behalf, than that of their friends below!

But this is not all. This extraordinary course of proceeding did not reach an end without one of the richest developments lately recorded in political annals. One of MR. MILES'S amendments, doubtless meant to act as a "dead-fall," was substantially as follows:

> "SEC. —. *And be it enacted, &c.* That in the opinion of this General Assembly, the Legislature cannot, by any limitations it may adopt, restrict the action of said Convention, if it shall assemble," &c.

And, strange to say, this proposition was *negatived* by the majority! They thus affirmed, of course, that the legislature *had* the power to limit, and denied the truth of that very pretence which they had given for opposing the substantial amendments! Was ever any body of men so completely stultified by its own action?

The Senators thus having affirmed that the legislature

could *limit* the convention, not only by this express vote, but by their quiet assent to the slavery restriction of the House, a majority of them are thus put into the same position with the majority of the House, who practically affirmed the same proposition by adopting that restriction. The majority of both bodies, therefore, stand upon the record, provided they have acted *honestly*, as having clearly asserted by their actions, that they *could* have adopted all the amendments, and rendered them effective, if they had chosen to do so. So we have at last arrived at the *real point* which was to be developed by the foregoing examination of the record, and are obviously entitled to make the following affirmation:

THAT, BY THEIR VOTES AND ACTIONS, THE MAJORITY IN BOTH THE SENATE AND THE HOUSE OF DELEGATES CLEARLY ACKNOWLEDGED THAT THOSE GREAT COUNTY INTERESTS, SOUGHT TO BE COVERED BY THE AMENDMENTS, COULD HAVE BEEN WITHDRAWN, BY LEGISLATIVE ACTION, FROM THE INTERFERENCE OF THE CONVENTION; AND YET THAT THEY REFUSED TO ADOPT THE COURSE THAT WOULD HAVE SO WITHDRAWN THEM, AND WOULD HAVE PREVENTED THEIR BEING SUBJECT TO CHANGE OR AMENDMENT!

IV. The inferences that can be drawn from all the foregoing considerations, as to the probable *real motives* of our latter-day reformers, have been so often alluded to in the course of these observations, in their proper connections, and indeed will so readily suggest themselves from a detail of the facts whence they arise, that it is hardly possible, without repetition, to make a general statement of them at this point, as was originally proposed, and scarcely necessary so to do, except in very brief terms. We have before remarked, throughout the whole of this Reform agitation, the singular absence of any endeavor on the part of its friends to render any substantial reasons why the people of the State are interested in sustaining it; and it may be observed that they have been still more reserved and wary, if possible, in being betrayed into vouchsafing to outsiders the least glimpse of the particular *objects* which they have in view. Purposes they certainly wish to accomplish: but what those purposes are, is the Delphic mystery! Ever since the passage of the bill, its opponents among the people, and that portion of the press reflecting their views, have hardly been otherwise engaged than in crying aloud for light upon the secret designs of this important movement. But the oracle has remained silent, and its priestess is dumb—perhaps until after the election! Never a word have its apologists to answer, when questioned as to the particularly urgent reasons for this extraordinary Reform; while their speech is like the out-

pouring of the waters, when they hold forth on the "generalities" of the question, or are allowed to smother the *object* in the glorification of the *means*, and to cover up all deficiencies by a heartfelt abuse of the Democratic party. This state of things, that has existed from the very first day on which the subject was broached in the Legislature until now, is itself sufficiently mysterious. We have surely a right to be suspicious of, and to distrust, the perfect rectitude and propriety of a movement, whose real purposes we cannot adequately become acquainted with. And we do not know that this foundation for suspicion, distrust and alarm, on the part of the people of the Counties, and especially those of the smaller Counties, is at all lessened by the following considerations:

1. It is not altogether probable that, had the real designs of this movement been "all right," it would have been kept so long in the dark. As has been before stated, the question of reform was never agitated before the people, was never proclaimed by any political party, was never adopted by any candidate for office, and was not even discussed in the public journals. Yet, on the meeting of the Legislature, we find this movement all prepared, cut and dried, ready to be thrust upon the people.

2. It may also be noted as somewhat singular that, in order to substantiate some pretence as a foundation for the legality of the movement, its leaders have seemingly consented to stand convicted, before the people, of the grossest inconsistencies of opinion, or else as miraculously swift converts to new theories of government For, as has been before noticed, the very men who now so extravagantly represent extreme and ultra Democratic—we had almost said Red-Republican—views of the legality of illegal changes, and the regularity of revolutionary reforms, are the same people who have all their lives been denouncing these very dogmas and every approach to them!

3. The suddenness of the movement may also be profitably pondered on; and in connection therewith it might not be inappropriate again to advert to the fact of the extremely brief period allowed to elapse between the passage of the bill and the vote upon its provisions—barely two months being given to the people to consider so momentous a question; when an equal period at least is usually allowed to discuss the merits of a petty local contest, and thrice as long to weigh the issues of an *ordinary* State election!

4. It might deserve to be also remembered that the Legislature refused altogether to agree to any standard, for the

purpose of testing whether an actual majority of the people desire the change—declined to adopt an amendment which would have made it incumbent on the reformers to show their real strength, by taking the trouble to vote; and has thus put the issue in a position wherein, almost beyond peradventure, its decision is in the hands of the city of Baltimore, unless there should be a very remarkable effort made in the counties.

5. We do not know that it will help at all to dispel these suspicious circumstances from the minds of the people of the counties to suggest, what is an undoubted fact, that the movement seems to have originated in the city of Baltimore, and unquestionably proceeds from that quarter. It may be seriously doubted whether such a movement was even so much as dreamed of in any other part of the state. Which thing, seeing that Baltimore is about the only locality that can possibly gain by the operation, and that she is ripe and ready to adopt what pleases her and to reject what she does not approve, without regard to the feelings, rights or interests of any other portion of the State, is a peculiarly fine subject for the meditation of the people of the counties—in the course of which they can fancy that great corporation sitting on the throne of power, the emblems of Maryland lying at its feet, the crown of her sovereignty on its brow, and her arms for its escutcheon, holding in its right hand the scourge that is all powerful even under existing laws, and just grasping with its left the legislative power itself; so that in future *its* will may be the Law!

It is not pretended that these circumstances prove a case. It is not contended that they demonstrate definite objects. But, to a people who are disposed to regulate their conduct for the future by the bitter experience of the past, they probably form a little chain of singularities, that may prove a not unprofitable subject for a half-hour's musings!

In the absence, therefore, of any reasons rendered for the movement, or of any definite or satisfactory disclosure of its purposes, it is probably fair to infer the latter, as nearly as we can, from the course of those with whom the movement originated. And hence, in the absence of any more reliable index, we are at liberty to regard the action of a majority in the Legislature as indicative of the sentiments of the bulk of those whom they represented, and as affording proper *data* for the formation of a judgment. What that judgment must be, in reference to the bearings of this movement upon county interests, is plain enough from the analysis heretofore gone through with. A majority of both houses has deliberately refused to guarantee against immediate unsettlement and confusion those exciting topics, that are of especial interest to the people of the counties, and have thus

practically given us to understand that agitation upon these topics is immediately to ensue—and has done this too, while acknowledging it could have been avoided. In a word, if there be any truth, reason or sense in men's actions, the said majority, the leaders and originators of this reform movement, have made it as plain as it need be, that the present guarantees of slavery, the present basis of representation, the elective principle now in operation, the location of the seat of government, the protection of religious liberty now enjoyed, the absence of religious tests now happily secured, and other great and leading interests are to be re-opened for discussion and agitation, and *to be made liable* to a swift and thorough alteration; and, in indicating these purposes, they also practically and plainly acknowledge, as had been proved beyond doubt, *that they could*, if they had chosen so to do, *have prevented these topics from being brought into the field of agitation at all.* This is about the "long and short" of the whole matter; and we accept it as a fair statement of the issues now presented to the people of the counties, as to what we affirm to be the dangerous and threatening objects of this movement, in its relation to their interests.

It has been intimated, in some quarters, that one of the real objects of reform is to change those features of the present Constitution which give the elective franchise to naturalized citizens of the United States, on certain conditions. Well, it is certainly a matter which the people of the State have the right to regulate for themselves; and, like the whole question of suffrage, is to be determined and settled by each community for itself, upon considerations of policy and expediency. The franchise may be abused in the hands of naturalized citizens, just as it often is in those of the native born; the former may, under present restrictions, be unfit to possess the suffrage, just as it is evident, from the recent tone and style of our political conflicts, that many of those "to the manor born" are ignorant of its high privileges and unworthy of being entrusted with its exercise. But are the evils thus arising sufficient to justify a reform of the whole Constitution? Outside the city of Baltimore, what is called the foreign vote never was large, and is now probably rather on the decrease; while it is only laughable to think that, under the political theories that just now obtain within the limits of that corporation, the evils of alien suffrage can be very formidable there! Can this much agitated question, then, be it ever so great, justify the excitement, expense, trouble, agitation, demoralization and irregularity incident to a change of the Constitution, at this time and against all the forms of law? Is the disfranchisement of a few foreigners, even if it were necessary, just or politic, a sufficient reason why the whole subject of con-

stitutional reform should be opened up, and all the great interests we have mentioned be put in jeopardy? Besides—if the only object had been to decrease the foreign vote for the future, *why was not the contemplated reform confined to those clauses that grant the franchise?* Why was not the single issue of foreign suffrage submitted to the people, as a matter for reform? Certainly, the Legislature had the power to submit the question in this narrow form—aye! and the Legislature *would* so have submitted it, *if it had intended* that this reform should be confined *to such a narrow compass!* It is very convenient to put forward this hobby of Native-Americanism as the ostensible object to be attained; and it is proving quite potent to lead in the train of these reformers not a few of the people of the counties, who follow blindly this jack-o'-lantern, seemingly regardless of the pits into which they will presently fall; and who may have cause, hereafter, to be troubled in spirit when, like the followers of Absalom, they shall hear the sound of the trumpets, and shall learn that their sceptre hath passed into the hands of a stranger!

And it is further intimated, that another object of this movement is partisan aggrandizement; to make the Constitution square with the tenets of a political organization, dominant for the hour! As if the Constitution were a mere piece of state-craft or of political expediency, to be made the sport of contending factions; or as if it ought not to rest high above that level on which parties and men may properly strive for the pride of opinion and the sweets of power! Into the terrible evils which must eventually result to the body politic, from the establishment of such a wild and unheard of precedent as this—a proposition which is wilder than all the mad schemes which political theorists have developed, and which overtops the highest line which the flood of fanaticism hath as yet marked upon the firm shores of political truth—it is hardly necessary that we should stop to examine. To think of the Constitution as degraded to a condition in which it will be even less stable than a common act of Assembly, changeable at pleasure; to imagine it *always* on the political arena, as a theme for political discussion; to see proposed changes in its provisions made points in party platforms; its stability destroyed, all reverence for it obliterated from the hearts of the people, its sanctity gone, and itself regularly changing as this or that party may succeed to power—is too appalling a prospect to engage the serious thoughts of any Maryland statesman or to afford agreeable contemplation to any Maryland patriot. Rather, let scorn be the reward of those who will dare to harbor such a purpose, and unsparing denunciation the only answer to the arguments that shall come to its support!

I think, therefore, that these considerations are sufficient to

alarm the people of the counties, as to the purposes of this reform, and to bring them closer together for self-protection; although each section of them may have its special fears. To the people of Western Maryland, the great elective principle of the present constitution and its general popular character ought to be dear, because they labored long and manfully for their accomplishment; to the people of Southern Maryland, on the Western and Eastern Shores, the questions of slavery and of representation are of paramount importance; to the whole of the last named shore other provisions of the same instrument, under existing circumstances, are peculiarly necessary to be preserved; while most of the other features of the Constitution are dear to us all alike, as contributing to our happiness and prosperity. That the people should be willing to jeopard these great interests irregularly, and in a manner contrary to their own predetermination, at any time, under any circumstances, would be not a little surprising. But it will indeed be a matter of surpassing astonishment, if they will allow this to be done when they have not authorized it; when they have not asked for it; when they have not been appealed to in relation to it; when no adequate cause exists why it should be done, and no adequate reason can be assigned for proposing to do it; when the people who incite it are as few and obscure as the objects to be attained by it are dark and dangerous; when no sensible purpose for it is openly avowed, and the miserable pretences that leak out are sinister, selfish, dissentious and inimical to their best interests; when, as is evident, the whole movement can in no otherwise be properly denominated than as an unworthy and treacherous CONSPIRACY, that has trampled on the reserved rights of the sovereignty in its inception, and will disregard the settled interests of communities in its results; and when, to cap the climax of the absurd iniquity, the whole endeavor is the work of a few restless Demagogues, who, having no stake in the permanency of public interests, and no care for the security of private rights, are ever willing to wreak their revenge for the just hatred of mankind by their efforts to unsettle all that a patriot would make stable, to desecrate all that a good citizen would hold in veneration, to frustrate all that a statesman would render serviceable, by perpetually tampering with the foundations of the government. From the dominion of such pests of society may God deliver our good old Commonwealth of Maryland, and protect her people from the snares of all such destroyers; that her institutions and her laws, and the spirit of her people, may be blessed, in the future, for the civil and religious liberty they shall hand down from the past!

I have thus, sir, in compliance with your request, set down in a general way, the considerations upon which this Reform move-

ment was resisted by myself and by others in the late Legislature; as well as those inferences, drawn from the circumstances attending the passage of the measure, and other facts, which seem to warrant opposition to it as the safer path for the people of the counties. They are such as, if developed, would not only cause them to vote against the convention, but to take care, in every portion of the state, if it shall be called, that its control shall not lie in the hands of those who have thus usurped the powers of the people to compromise the people's interests and welfare. You will appreciate the imperfection with which these views have been presented, and you will know how to pardon such part of it as may be attributable to the necessary haste in which they have been thrown together. I remain, sir, very respectfully,

Your obedient servant,

EDWARD W. BELT.